

1 Yvette D. Roland (SBN 120311)  
2 DUANE MORRIS LLP  
3 865 S. Figueroa St., Suite 3100  
4 Los Angeles, CA 90017-5450  
5 Telephone: (213) 689-7400  
6 Facsimile: (213) 689-7401  
7 E-mail: [ydroland@duanemorris.com](mailto:ydroland@duanemorris.com)

8 Gregory P. Gulia (admitted *pro hac vice*)  
9 Vanessa C. Hew (admitted *pro hac vice*)  
DUANE MORRIS LLP  
1540 Broadway  
10 New York, NY 10036-4086  
11 Telephone: (212) 692-1000  
Facsimile: (212) 692-1020  
E-mail: [gpgulia@duanemorris.com](mailto:gpgulia@duanemorris.com)  
E-mail: [vchew@duanemorris.com](mailto:vchew@duanemorris.com)

12 Attorneys for Plaintiff  
13 Living Assistance Services, Inc.  
14 d/b/a Visiting Angels

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 LIVING ASSISTANCE SERVICES,  
18 INC. d/b/a VISITING ANGELS

19 Plaintiff,

20 v.

21 VISITING ANGELS HOME HEALTH  
22 SERVICES, INC., et al.

23 Defendants.

24 Case No.: 2:12-cv-09002-DSF-JC

25 DECLARATION OF VANESSA C.  
26 HEW IN SUPPORT OF THE  
27 STIPULATION TO MODIFY THE  
COURT'S SCHEDULING AND  
CASE MANAGEMENT ORDER

28 I, Vanessa C. Hew, declare as follows:

29 1. I am an attorney at Duane Morris LLP, attorneys for plaintiff Living  
30 Assistance Services, Inc. d/b/a Visiting Angels ("Plaintiff") in the above-captioned  
31 action.

32 2. I submit this declaration pursuant to Judge Fischer's individual practices  
33 in support of the parties' Stipulation to Modify the Court's Scheduling and Case  
34 Management Order.

1       3. Plaintiff filed the Complaint in this matter on October 18, 2012 for (1)  
2 Federal Trademark Infringement; (2) Federal Unfair Competition and False  
3 Designation of Origin; (3) State Statutory Unfair Competition; (4) State Statutory  
4 Dilution; and (5) Common Law Unfair Competition.

5       4. Plaintiff has attempted to conduct discovery in this matter. On July 19,  
6 2013, Plaintiff hand served its first set of discovery requests on Defendants' counsel,  
7 including Plaintiff's First Set of Requests for Production of Documents and Things,  
8 Plaintiff's First Set of Interrogatories and Plaintiff's First Set of Requests for  
9 Admission.

10       5. Defendants' responses to Plaintiff's first set of discovery requests were  
11 due on August 19, 2013. However, on August 29, 2013, Kathleen Wilber,  
12 Defendants' counsel's legal assistant, advised that Defendant, Naira Tshorokhyan,  
13 was ill and unable to timely respond to Plaintiff's first set of discovery requests. To  
14 date, Defendants have not produced any documents or other responses in response to  
15 Plaintiff's discovery requests.

16       6. On October 4, 2013 and October 7, 2013, Plaintiff served a Rule 30(b)(6)  
17 Notice of Deposition on Defendant Visiting Angels Home Health Services, Inc. and a  
18 Rule 30(b)(1) Notice of Deposition on Defendant Naira Tshorokhyan.

19       7. Furthermore, the parties were scheduled to participate in a mediation on  
20 August 19, 2013. On August 13, 2013, Defendants' counsel cancelled the scheduled  
21 mediation stating that Defendant, Naira Tshorokhyan, had been unexpectedly  
22 hospitalized, had recently undergone surgery and consequently could not participate in  
23 the scheduled mediation because she was still under medical care.

24       8. To date, Defendants have not served any discovery requests or  
25 depositions notices in connection with this action.

26       I declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is  
27 true and correct.

28

1 Executed this 11<sup>th</sup> day of October, 2013 at New York, New York.

2  
3 By:   
4 Vanessa C. Hew (admitted *pro hac vice*)  
5 DUANE MORRIS LLP  
6 1540 Broadway  
7 New York, New York 10036-4086  
8 Telephone: (212) 692-1000  
9 Facsimile: (212) 692-1020  
E-mail: vchew@duanemorris.com

10 Attorney for Plaintiff  
11 Living Assistance Services, Inc. d/b/a Visiting  
12 Angels

13 DM2\4518554.1

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28